GOVERNMENT OF ANDHRA PRADESH

ABSTRACT.

Public Servants–Transport Department–Allegations of corruption and irregularities against the Officials of Transport Check Post, Penukonda, Anantapur District–Surprise Check conducted by ACB Officials on 21.12.2013– Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services(Classification, Control and Appeal) Rules, 1991 initiated against Sri B.Subbarayudu, AMVI – Charges Framed-Written Statement of Defence and Further Representation Submitted-Further Action against Sri B.Subbarayudu, AMVI, dropped- Orders-Issued .

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 193 **Dated: 06-04-2016.**

Read the following:

1) From the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad, Letter Rc.No.48/DES-ATP/2013, Dated:22.08.2014.
2) G.O.Rt.No.857, T,R&B(VIG.TR.)Deptt., Dated:24.12.2014.
3) From the Transport Commissioner, A.P., Hyderabad, Letter No.12307/V3/V2/2013, Dated:21.05.2015 along with the Written Statement of Defence Dated:19.03.2015 of Sri B.Subbarayudu, AMVI.
4) Govt. Memo No.7398/Vig.Tr./A2/2014-3, Dated:14.08.2015 of T,R&B(VIG.TR.)Deptt., and it's reminder thereon of even number Dated:12.01.2016.
5) From the Transport Commissioner, A.P., Hyderabad, Letter No.12307/V3/V2/2013, Dated:18.01.2016 along with the Further Explanation Dated:16.11.2015 of Sri B.Subbarayudu, AMVI.

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ORDER:

In the reference first read above, the Director General, Anti Corruption Bureau has submitted his Detailed Check Report stated that on credible information that the staff of the Transport Department Check Post, Penukonda, Anantapur district were indulging in corrupt and clandestine practices by collecting illegal/unauthorized amounts from the Drivers/Cleaners of the Lorries passing through the Check Post through the Agents/Brokers on behalf of them, a Surprise Check was conducted by ACB Officials on the said Check Post on 21.12.2013, and during the Check, inter-alia it has been revealed that:

Sri B.Subbarayudu, AMVI, Transport Check Post, Penukonda, Anantapur District engaged Private Agent/Broker, i.e.,Sri B.Sankar, for collecting illegal and unauthorized amounts from the Drivers/ Cleaners of the Lorries passing through the Check Post thereby causing pecuniary loss to the Government. The said Agent/Broker was found in possession of illegal and unauthorized amount of Rs.8,000/- collected from the Drivers Cleaners of the Lorries passing through the Check Post. He failed to give explanation and was unable to account for the finding of ill-gotten amount of Rs.12,000/- found on the top of the Iron Almirah beneath some books situated in the Rest Room of MVIs/ AMVIs of the Check Post Building. He failed to give explanation for the habitual collection of illegal amounts from the Drivers/Cleaners of the Lorries passing through the Check Post i.e., for collection of unauthorized amount of Rs.20,740/- in presence during the Surprise Check. He failed in controlling his subordinate staff, i.e., Sri G.Babaiah, Tr.Constable and Sri G.Krishnaiah, Home Guard, who were habituated to collecting illegal and unauthorized amounts from the Drivers/ Cleaners of the Lorries passing through the Check Post.

2. After careful examination of the proposals, Government have initiated Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services(Classification, Control and Appeal) Rules, 1991 against Sri B.Subbarayudu, AMVI, by faming Articles of Charges vide reference second read above.

3. Sri B.Subbarayudu, AMVI, submitted his Written Statement of Defence Dated:19.03.2015 received through the reference third read above, wherein he has stated that, at the outset, he is denying the above charges as assumptive, contrary to the evidence on record and therefore liable to be dropped; that, in so far as ACB Surprise Check Proceedings are concerned, he submitted that the ACB Officials got drafted Proceedings to their dictation at his back and simply obtained his signature as an acknowledgement that he has received the copy of Proceedings while they were leaving the Check Post after completion of

the Surprise Check; and while reserving his right to submit Further Explanation after receipt of the Listed Documernts contained in Annexures-III & IV of the Articles of Charges, he has pleaded that:

i) Sri B.Sankar is a tea boy working in the nearby tea stall, and there is no evidence to show that the said private person attended any official work in the Check Post, and collected any Mamools from the Drivers and Cleaners of the Vehicles passing through the Transport Check Post, Penukonda and as such, the averment that the said Agent/Broker was found in possession of illegal and unauthorized amount of Rs.8,000/- collected from the Drivers/Cleaners of the Lorries passing through the Check Post does not stand to any standards of scrutiny and does not merit any consideration.

ii) No amount was found as alleged by the ACB officials in his presence. He is not associated with the Surprise Check Proceedings. As such the question of his failure to account for the alleged amount does not arise at all.

iii) The averment of failure in controlling his subordinate staff is based on imagination, they have not collected any amounts from the Lorry Drivers/Cleaners passing through the Check Post in his presence and that the Transport Constable and Home Guard were standing on the Road for stopping of Vehicles at the time of Surprise Check, they are not standing in the Open Corridor of the MVI/AMVI as alleged by the ACB. The averment is not supported by any evidence as such, the averment is misconceived and therefore does not merit any consideration.

iv) ACB Staff stage managed collection of some amounts from the Crew of the Vehicles passing through the Check Post at the time of Surprise Check. The ACB Officials got drafted the proceedings to their dictation at his back. No member of the Crew of the Vehicles were questioned in his presence or in the Check Post. The Recitals of the Surprise Check Proceedings are contrary to the Actualities and filled with Recitals suitable to initiate action against the check post staff. As such the question of his failure to give Explanation for the collection said to be the illegal amounts from the Drivers/Cleaners of the Lorries passing through the Check Post does not arise at all.

4. In his Further Reprsentation, Dated:16.11.2015 received through the reference fifth read above Sri B.Subbarayudu, AMVI, while narrating the facts of the case in brief, the charges framed against him by the Govt., vide G.O.Rt.No.857, T,R&B(VIG.TR.)Deptt., Dated:24.12.2014, has stated that perusal of Annexure-III revealed that 10 Witnesses were listed to prove the case of the Disciplinary Authority; that, on perusal of the Statements said to be the Individual Statements of the Drivers/Cleaners said to have been recorded on the day of Surprise Check of the Drivers/ Cleaners in the presence of the Mediators, it is noticed that they were not signed by the said Drivers/Cleaners and it shows that the said Statements were prepared by the ACB Officials and produced as evidence; that the allegation of collection of Mamools from the Drivers/ Cleaners of the Lorries passing through the Check Post does not stand to any standards of scrutiny and as such does not merit any consideration; he has further submitted that no members of the crew of the Vehicles were questioned in his presence or in the Check Post and no Statements were recorded during the Surprise Check; that on perusal of Annexure-II, Statement of Imputations of Misconduct, it is stated that he exhibited lack of integrity, devotion to duty and conduct unbecoming of a public servant and thereby contravened Rule 3(1), 3(2) and 3(5) and Rule 9(8)(A) of A.P.Civil Service(Conduct)Rules, 1964; that, it is submitted that it is not correct to say that he exhibited lack of integrity, devotion to duty or any unbecoming conduct in violation of the provisions of the A.P.C.S.(Conduct)Rules, 1964, as averred in the Articles of Charges; that he never violated the provisions of A.P.C.S.(Conduct)Rules, since his record of performance itself shows that ever since his appointment, he has been discharging his duties with dedication, devotion to his work with honesty, sincerity and to the appreciation of the Officers; that wherever he worked he maintained unblemished record of service throughout; and has finally prayed that in view of the facts explained above, his above submissions may kindly be considered sympathetically and further action may be dropped against him in the interest of justice.

5. Government have examined carefully the Written Statement of Defences and Further Representation of Sri B.Subbarayudu, AMVI, and have observed as follows:

1. The ACB conducted Surprise Check at RTA Check Post, Penukonda, ATP District on 21.12.2013 and 17/18.01.2014, viz., **within a short span of less than one month**, on both the occasions, the same individual, Sri B.Subbarayudu, AMVI, was present as In-charge of RTA Check Post. There appears to be some substance in the contention of Sri B.Subbarayudu, AMVI, that he has been targeted selectively by the ACB and he is the victim of false case foisted on him by the ACB.

2. It is noticed from the Statements of Witnesses listed out in Annexure-III that these are not signed by the individuals(Lorry Drivers and Cleaners)., as such, papers signed by ACB Officials and attested by Mediators produced as evidence may not stand legal scrutiny. The plea of both the Charged Officers that Statements purported to be of the Witnesses, without their signatures appended thereon, which are written and signed by the ACB Officials themselves, will not have evidentiary value seems to be quite reasonable.

3. In the First Surprise Check on 21.12.2013, there was no excess cash found with Sri B,Subbarayudu, AMVI. An amount of Rs.500/- was found on his person, and it was found to be tallied with the amount declared by him in the Personal Cash Declaration Register. The tallying of Personal Cash with that declared by him in the P.C.Register strengthens the claim of Sri B.Subbarayudu, AMVI, that the charge of misconduct and lack of integrity levelled against him are not tenable.

4. The charge that Sri B.Subbarayudu, AMVI, had engaged the services of one B.Shankar, a Private Broker/Agent, for collection of Mamools from the Vehicle Owners/Drivers is not substantiated As seen from the Listed Documents in Annexure-III, the above named Shankar is not included in the List of (10) Witnesses in Annexure-III. **In the absence of any Testimony or Affidavit of the said B.Shankar**, it cannot be established that the said individual was engaged by the AMVI for collection of Illegal Gratifications and the amount of Rs.8,000/- seized from him was the unauthorized amount collected on behalf of the AMVI.

5. The charge, that Sri B.Subbarayudu, AMVI, failed in controlling his subordinate staff, viz., Sri G.Babaiah, Transport Constable(in the Surprise Check on 21.12.2013) is only a supervisory lapse and therefore it may not be over-emphasized.

6. Government, after careful examination of the entire issue, have, therefore, decided to consider the Written Statement of Defence and Further Representation of Sri B.Subbarayudu, AMVI, on meritorious grounds, and for dropping further action against him in this ACB Surprise Check Case.

7. Accordingly, Government hereby drop further action against Sri B.Subbarayudu, AMVI, in the above ACB Surprise Check Case.

8. The Transport Commissioner, A.P., Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B.Subbarayudu, Assistant Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Kurnool **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.
Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The P.S. to Hon'ble Minister(Transport, Roads & Buildings).
4)The P.S. to Spl. Chief Secretary to Govt., Transport, Roads & Buildings Department.
5)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER